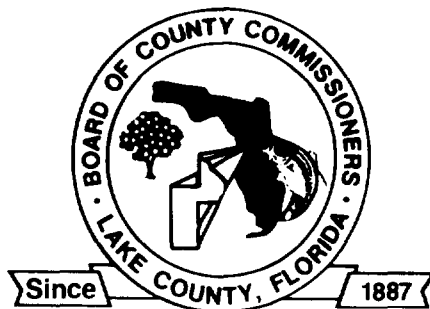


INFORMATION SERVICES
E9-1-1 TELECOMMUNICATIONS
COUNTY ADMINISTRATION BLDG. RM 154
P O BOX 7800
TAVARES FL 32778-7800



PHONE: 904-343-9488

SUNCOM: 659-1488

RECEIVED

DEC 27 1994

FCC MAIL ROOM

October 21, 1994

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton, Acting Secretary
Office of the Secretary
Federal Communications Commission
Washington, D. C. 20554

Dear Sir:

Enclosed please find a copy of a local ordinance (Lake County, Florida, Ordinance 1994-16) which we would appreciate your staff reviewing for commentary.

In addition, I would like to express some thoughts on General Docket 94-102 (. . . Accessibility to 911 Services). I would like to recommend that the Commission thoroughly consider three (3) aspects of future rule making in this matter which may have adverse impacts on existing and future E9-1-1 systems, all of which will create potential problems at the local level.

1. The FCC should consider the true fiscal impacts of these orders at the local level. The technological costs spread across the industry may appear to be reasonable; but the net impact of these costs as they are re-distributed to the local government providers of service may be cost prohibitive.

The potential cost impacts of additional networking, possible new hardware and software requirements, additional time and manpower costs, and increased costs for ANI and ALI data for the newly designated access customers (especially as to PBX and key system users) are difficult to determine until an adequate accounting is done in these, but not limited to these, areas.

2. A more comprehensive study needs to be done regarding the causes and effects of the new data bases. The potential impacts, both fiscal and operational, on the requirements for possible additional data base hardware, software, and time and manpower (both administratively and in training) on the manufacturers, the purchasers, the local telephone companies, and the local system authorities may make this too adverse.

No copies rec'd
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3. System liability issues should be investigated and orders issued which would protect all participating functionaries from undue lawsuits. The potential civil liability which could result from potential failures in networking, hardware, software and data base (in delivery, accuracy, and timeliness) is an issue for great concern.

I appreciate the opportunity to express my concerns on this very complicated issue as a local administrator of an E9-1-1 system. I will make myself available to your staff for additional input should it be necessary.

Sincerely,

A handwritten signature in cursive script, reading "Bruce E. Thorburn". The signature is written in dark ink and is positioned above the printed name.

Bruce E. Thorburn, Information Services Director
Lake County , Florida

RECEIVED

DEC 27 1994

ORDINANCE NO. 1994-16

FCC MAIL ROOM

Dec 7 10 22 AM '94

FILED

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, REQUIRING A PERMIT AND ASSESSING FEES FOR TELEPHONE, TELEMETRY, VIDEO, INTERCOM, DATA AND TELECOMMUNICATIONS, WHICH PROVIDE TOLL AND PRIVATE TELEPHONE AND TELECOMMUNICATIONS SERVICES WHICH SHALL ACCESS 911 IN LAKE COUNTY; AND ESTABLISHING THE TERMS AND CONDITIONS FOR SUCH PERMITS; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Short Title:

This Ordinance shall be known and cited as the "Lake County Telecommunications Systems Permit Ordinance".

Section 2. Purpose:

The Legislature of the State of Florida found and declared in the legislative intent expressed in Florida Statute 365.171 the following:

1. It is in the public interest to shorten the time required for a citizen to request and receive emergency aid.

2. There currently exist thousands of different emergency phone numbers throughout the state.

3. Provision of a single, primary three-digit emergency number through which emergency services can be quickly and efficiently obtained would provide a significant contribution to law enforcement and other public service efforts by making it easier to notify public safety personnel.

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1 4. Such a simplified means of procuring emergency services
2 will result in the saving of life, a reduction in the destruction
3 of property, and quicker apprehension of criminals.

4 It is the intent of the Legislature to establish and implement
5 a cohesive statewide emergency telephone number "911" plan which
6 will provide citizens with rapid direct access to public safety
7 agencies by dialing the telephone number "911" with the objective
8 of reducing the response time to situations requiring law
9 enforcement, fire, medical, rescue, and other emergency services.

10 Lake County finds that the implementation of the Legislative
11 intent is to maintain universal coverage of the County provided
12 through universal access to the 911 system. The integrity of the
13 911 system is totally dependent upon universal access by the
14 everyone within the jurisdictional limits of Lake County, including
15 but not limited to, fixed or mobile units. The level of service of
16 911 and telecommunications shall be maintained in a manner
17 consistent with or exceeding the present quality levels.

18 **Section 3. Definitions:**

19 For the purposes of this Ordinance, the following terms,
20 phrases, words and their derivations shall have the meaning given
21 herein.

- 22 1. "Communications System" shall include any system which
23 has the capability to connect to 911 system including but
24 not limited to, cable communications systems, cellular
25 telephone systems, and local telephone services.

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1 2. "Cable Communications System" means a facility,
2 consisting of a set of closed transmission paths and
3 associated signal generation, reception, and control
4 equipment that is designed to provide cable service which
5 includes video programming and which is provided to
6 multiple subscribers within a community, but such term
7 does not include:

8 a. A facility that serves only to
9 retransmit the television signals of
10 one or more television broadcast
11 stations;

12 b. A facility that serves only
13 subscribers in one or more
14 multiple-unit dwellings under common
15 ownership, control, or management,
16 unless such facility or facilities
17 uses any public right-of-way;

18 c. A facility of a common carrier,
19 except that such facility shall be
20 considered a cable system to the
21 extent such facility is used solely
22 in the transmission of video
23 programming directly to subscribers;
24 or

25 d. Any facilities of any electric
26 utility used solely for operating
27 its electric utility systems.

28 3. "Local Telephone Service" means:

29 a. The access to a local telephone system,
30 and the privilege of telephonic quality
31 communication with substantially all
32 persons having telephone or radio
33 telephone stations constituting a part of
34 such local telephone system; or

35 b. Any facility or service provided in connection
36 with a service described in paragraph (1) or
37 having the ability to access to the "911"
38 system shall maintain a level of quality

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assurance equal or exceeding that provided by
existing local providers.

The term "local telephone service" does not include any
service which is a toll telephone service; private
communication service; cellular mobile telephone or
telecommunication service; specialized mobile radio, or
pagers and paging service, including, but not limited to,
"beepers" and any other form of mobile and portable one-
way or two-way communication; or telephone typewriter or
computer exchange service.

4. "County" means all territory within Lake County's present
and future boundaries and including any area over which
exercises jurisdiction.

5. "Lake County Public Services Department" means the
Engineering Department of Lake County.

6. "FCC" means the Federal Communications Commission or its
legally appointed successor.

7. "Franchise" means an initial authorization or renewal
thereof issued by Commission, whether such authorization
is designated as a franchise, permit, license,
resolution, contract, certificate, agreement, or
otherwise, which authorizes the construction or operation
of a cable communications system or telephone system.

8. "Local Access Transport Area (LATA)" means that
geographic area and communications system in which of
Lake County is located and in which United Telephone of
Florida or any subsequent telephone company is authorized
by the Florida Public Service Commission to provide local
exchange access telecommunications services.

9. "Permittee" means the person, organization, firm, non-
profit, not for profit, corporation or its legal
successor in interest who is issued a Telecommunication
Permit or Permits in accordance with the provisions of
this Ordinance for the erection, construction,
reconstruction, operation, dismantling, testing, use,
maintenance, repairing, rebuilding or replacing of a
Private Communications System.

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1 10. "Private Communications System" means any system of
2 communications lines, cables, equipment or facilities,
3 which are used to provide a telephone, video, data,
4 telemetry, intercom or telecommunications service.
5 Private Communications System does not include any part
6 of a State or Municipally franchised Local Exchange
7 Telephone Company or part of a Cable Communications
8 System or telephone system franchised by or any part of
9 a federal, state or county authority.

10 11. "Telecommunication Permit" means the privilege granted by
11 the County which authorizes a person to erect, construct,
12 reconstruct, operate, dismantle, test, use, maintain,
13 repair, rebuild and replace a private communications
14 system that occupies the streets, easements, public ways
15 or public places within . Any Telecommunication Permit
16 issued in accordance herewith shall be a non-exclusive
17 permit.

18 12. "Toll Telephone Service" means:

19 .1 A telephonic quality communication for which there
20 is a toll charge which varies in amount with the
21 distance and elapsed transmission time of each
22 individual communication; or

23 .2 A service which entitles the subscriber or user,
24 upon the payment of a periodic charge which is
25 determined as a flat amount, or upon the basis of
26 total elapsed transmission time, to the privilege
27 of an unlimited number of telephonic communications
28 to or from all or a substantial portion of the
29 persons having telephone or radio telephone
30 stations in a specified area which is outside the
31 local telephone system area in which the station
32 provided with this service is located.

33 The term "toll telephone service" includes interstate and
34 intrastate wide area telephone service charges.

35 13. "Total Gross Revenues" means all cash, credits, property
36 of any kind or nature or other consideration derived
37 directly or indirectly by a Permittee, its affiliates,
38 subsidiaries, parent corporation, and any other person or
39 entity in which the Permittee has a financial interest or
40 which has a financial interest in the Permittee, arising

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1 from or attributable to operation of the Private
2 Communications System within , including revenue from
3 all charges for the installation, connection and
4 reinstatement of equipment necessary for the utilization
5 of the Private Communications System and any
6 interconnection fees. This sum shall be the basis for
7 computing the fee imposed pursuant to Section 4. Such
8 sum shall not include any bad debts, deposits,
9 promotional or vendor discounts or credits nor sales,
10 service, occupation or other excise tax to the extent
11 that such taxes are charged separately from normal
12 service charges and are remitted by the licensee directly
13 to the taxing authority.

14 14. "Universal Access" means any means having the ability to
15 connect to 911 services.

16 **Section 4. License Requirement of Communications Access:**

17 1. No person or firm, whether public, private, non-profit or
18 not for profit, shall construct, operate or continue to operate a
19 Private Communications System which has the ability to connect to
20 911 services and which occupies the streets, easements, public ways
21 and public places within Lake County without having been issued a
22 Telecommunications Permit by the Director of Engineering, or a
23 franchise for telephone, telecommunications service, video
24 distribution system or Cable Communications System.

25 2. Except as hereinafter provided, it shall be a term and
26 condition of any Telecommunications Permit issued in accordance
27 herewith that as a part of the consideration supporting the
28 issuance of such Telecommunications Permit and County's permission

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1 thereby to occupy and use the streets of County, that the Permittee
2 shall pay to County compensation and license fees.

3 3. Any private communications system desiring a permit to
4 operate in Lake County shall provide access for voice delivery,
5 Automatic Number Identification (ANI), and records for the
6 continued integrity, maintenance and operation of the Lake County
7 911 system.

8 .1 Non-Franchise Private Communications System that
9 does NOT provide services to customers for
10 compensation either directly or indirectly.

11 a. The fees associated with the permit and charge
12 per access connection shall be established by
13 the annual fee resolution as established by
14 the Board of County Commissioners as
15 established under the guidelines of F.S.
16 365.171 and/or other state and federal
17 regulations.

18 b. In addition to the fees set out above, non-
19 franchise entities shall pay quarterly, five
20 percent (5%) of the annual total gross
21 revenues from such customers to be calculated
22 on the basis of all revenues derived from
23 transmissions that bypass the local exchange

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1 carrier. Revenues derived from transmissions
2 that enter a private communications system
3 through the LATA shall not be part of the
4 total gross revenues for purposes of
5 calculating compensation and license fees.

6 c. The annual fees required by subsection (b)
7 above shall be paid quarterly not later than
8 August 1, November 1, February 1, and May 1
9 for the preceding three-month period ending,
10 respectively, June 30, September 30, December
11 31, and March 31. Not later than the date of
12 each payment, each Permittee shall file with
13 Manager, or a designee, a written statement
14 signed under penalty of perjury by an officer
15 of the Permittee, which identifies in detail
16 the sources and amounts of gross revenues
17 received by a Permittee during the quarter for
18 which payment is made. No acceptance of any
19 payment shall be construed as an accord that
20 the amount paid is, in fact, the correct
21 amount, nor shall such acceptance of payment
22 be construed as a release of any claim which
23 may have for further or additional sums

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1 payable under the provisions of this Section.

2 Any fees which remain unpaid after the dates
3 specified in this Section above shall be
4 delinquent and shall thereafter accrue
5 interest at the maximum legal rate until paid.

6 Not less than annually, the Permittee shall
7 provide the Commission with a certification by
8 an independent certified public accountant or
9 an officer of the Permittee certifying the
10 accuracy of the quarterly fee payments paid
11 within the preceding twelve (12) months
12 pursuant to this Section. Said certification
13 shall be prepared in accordance with generally
14 accepted accounting standards as established
15 by the Financial Accounting Standards
16 Commission.

17 .2 Holders of Private communications Systems Franchise.

18 The holders of a Private Telecommunications System
19 Franchise shall pay the fees as set forth in that
20 Franchise.

21 4. Nothing in this Section shall be construed to limit the
22 liability of the permittee for applicable federal, state and local
23 taxes. Lines, cables, fiber optics or any other means of

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1 operations of a Private Communication System which is not exempt by
2 law or statute from the provisions of this Section shall require a
3 Telecommunication Permit, unless the franchise, or other
4 authorization by which the exempt entity has the right to operate
5 and gain universal access to 911 within the County, prohibits the
6 application of the permit and fee requirements contained in this
7 Section. Lines, cables, fiber optics or any other means of
8 operations of a Private Communications System shall require a
9 separate Telecommunication Application and Permit, subject to the
10 same requirements and fees as other installations.

11 5. Lake County may, at its option, adjust this permit fee
12 each year to the extent allowed by law.

13 6. The Permittee shall keep accurate, complete and current
14 maps and records of its system and facilities which occupy the
15 streets, public ways and public places within and shall furnish
16 as soon as they are available two (2) complete copies of such maps
17 and records, including as-built drawings, to the Engineering
18 Department.

19 7. The Permittee shall comply with all rules and regulations
20 issued by the Engineering Department governing the construction and
21 installation of Private Communications Systems.

22 **Section 5. Violation Penalty:**

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1 Any person who shall carry on or conduct any business or
2 occupation or profession for which a permit is required by this
3 Section without first obtaining a permit, shall be considered to be
4 in violation of this Section and shall be subject to fines and
5 punishment as provided in Code for code violations.

6 **Section 6. Transfer Assignments:**

7 A Telecommunications Permit shall not be sold, assigned or
8 transferred, either in whole or in part, or leased, sublet, or
9 mortgaged in any manner, nor shall title thereto, either legal or
10 equitable or any right, interest or property therein, pass to or
11 vest in any person without the prior written consent of
12 Commission.

13 No such consent shall be required for a transfer in trust,
14 mortgage, or other hypothecation as a whole or in part to secure an
15 indebtedness, except when such hypothecation shall exceed fifty per
16 cent (50%) of the market value of the property used by the
17 Permittee in conducting the business of the Permittee.

18 The Permittee shall promptly notify Manager, or a designee,
19 of any proposed change in, or transfer of, or control of the
20 Permittee. The word "control" as used herein is not limited to
21 major stockholders but includes actual working control in whatever
22 manner exercised. Every change, transfer, or acquisition of
23 control of the Permittee shall make the Permit subject to

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1 cancellation unless and until the Commission shall have consented
2 thereto. An applicant for a Permit transfer shall submit a
3 written application to Manager or designee on application forms
4 provided by Manager accompanied by required exhibits and a
5 transfer fee established by resolution by the Commission.

6 A rebuttable presumption that a transfer of control has
7 occurred shall arise upon the acquisition or accumulation by any
8 person or group of persons of ten (10%) percent or more of the
9 voting interest of the Permittee.

10 The consent or approval of the Commission to any transfer of
11 the Permit shall not constitute a waiver or release of the rights
12 of in and to City streets, and any transfer shall by its terms,
13 be expressly subordinate to the terms and conditions of the Permit
14 and this Ordinance.

15 **Section 7. Inclusion in Code.**

16 It is the intention of the Board of County Commissioners that
17 the provisions of this Ordinance shall become and be made a part of
18 the Lake County Code and that the sections of this Ordinance may be
19 renumbered or relettered and the word "ordinance" may be change to
20 "section", "Article", or such other appropriate word or phrase in
21 order to accomplish such intentions.

22 **Section 8. Severability:**

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1 If any section, subsection, sentence, clause, phrase or
2 portion of this ordinance is for any reason held invalid or
3 unconstitutional by any court of competent jurisdiction, or if
4 placed under the State or Federal regulatory control, such portion
5 shall be deemed a separate, distinct, and independent provision and
6 such holding shall not affect the validity of the remaining portion
7 hereto.

8 **Section 9. Effective Date:**

9 This ordinance shall take effect immediately upon its
10 adoption.

11 ENACTED this 29th day of November, 19 94.

12 FILED with the Secretary of State December 7, 19 94.

13 EFFECTIVE November 29, 19 94.

**BOARD OF COUNTY COMMISSIONERS OF
LAKE COUNTY, FLORIDA**

Catherine C. Hanson
Catherine C. Hanson, Chairman

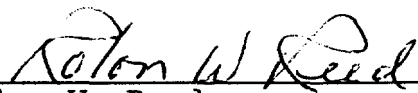
This 5th day of December,
1994.

ATTEST:

James C. Watkins
James C. Watkins, Clerk of the
Board of County Commissioners
of Lake County, Florida

**AN ORDINANCE REQUIRING A PERMIT AND ASSESSING FEES FOR TELEPHONE,
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APPROVED AS TO FORM AND LEGALITY:



Rolon W. Reed
Interim County Attorney

/FTG
12/01/94
ords\911.fee